

Part 4

Sale, Purchase, Possession, and Consumption

32B-4-401 Unlawful sale or furnishing.

- (1) It is unlawful for a retail licensee, a permittee, or staff of a retail licensee or permittee to keep for sale, or to directly or indirectly, sell, offer for sale, or furnish to another, an alcoholic product, except as otherwise provided by this title.
- (2) It is unlawful for a person in the business of selling liquor, a manufacturer, a supplier, an importer of liquor, or staff of the person, manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold, shipped, or transported liquor from an out-of-state location directly or indirectly into this state except to the extent authorized by this title to:
 - (a) the department;
 - (b) a military installation;
 - (c) a holder of a special use permit, to the extent authorized in the special use permit; or
 - (d) a liquor warehouser licensee licensed to distribute and transport liquor to:
 - (i) the department; or
 - (ii) an out-of-state wholesaler or retailer.
- (3)
 - (a) It is unlawful for a person in the business of selling beer, a manufacturer, a supplier, an importer of beer, or staff of the person, manufacturer, or importer to sell, ship, transport, or cause to be sold, shipped, or transported beer from an out-of-state location directly or indirectly into this state except to the extent authorized by this title to:
 - (i) a beer wholesaler licensee;
 - (ii) a military installation; or
 - (iii) a holder of a special use permit, to the extent authorized in the special use permit.
 - (b) Subsection (3)(a) does not preclude a small brewer that holds a certificate of approval from selling, shipping, or transporting beer to the extent authorized by Subsection 32B-11-503(5) directly to:
 - (i) a beer retailer; or
 - (ii) an event permittee.
- (4)
 - (a) It is unlawful for a manufacturer, supplier, or importer of liquor in this state, or staff of the manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold, shipped, or transported liquor directly or indirectly to a person in this state except to the extent authorized by this title to:
 - (i) the department;
 - (ii) a military installation;
 - (iii) a holder of a special use permit, to the extent authorized in the special use permit; or
 - (iv) a liquor warehouser licensee who is licensed to distribute and transport liquor to:
 - (A) the department; or
 - (B) an out-of-state wholesaler or retailer.
 - (b) Subsection (4)(a) does not preclude a winery manufacturing licensee located in this state from selling wine to a person on its winery premises:
 - (i) to the extent authorized by Subsection 32B-11-303(4); or
 - (ii) under a package agency issued by the commission on the winery premises.
 - (c) Subsection (4)(a) does not preclude a distillery manufacturing licensee located in this state from selling liquor on its distillery premises:

- (i) to the extent authorized in Subsection 32B-11-403(5); or
 - (ii) under a package agency issued by the commission on the distillery premises.
- (d) Subsection (4)(a) does not preclude a brewery manufacturing licensee located in this state from selling heavy beer or flavored malt beverages on its brewery premises:
 - (i) to the extent authorized under Subsection 32B-11-503(4); or
 - (ii) under a package agency issued by the commission on its brewery premises.
- (5)
 - (a) It is unlawful for a manufacturer, supplier, or importer of beer in this state, or staff of the manufacturer, supplier, or importer to sell, ship, transport, or cause to be sold, shipped, or transported beer directly or indirectly to a person in this state except to the extent authorized by this title to:
 - (i) a beer wholesaler licensee;
 - (ii) a military installation; or
 - (iii) a holder of a special use permit, to the extent authorized in the special use permit.
 - (b) Subsection (5)(a) does not preclude:
 - (i) a small brewer who is a brewery manufacturing licensee located in this state from selling, shipping, and transporting beer to the extent authorized by Subsection 32B-11-503(5) directly to one of the following in this state:
 - (A) a beer retailer; or
 - (B) an event permittee; or
 - (ii) a brewery manufacturing licensee from selling beer to a person on its manufacturing premises under Subsection 32B-11-503(4)(c).
- (6) It is unlawful for a person other than a person described in Subsection (2) or (3) to sell, ship, transport, or cause to be sold, shipped, or transported an alcoholic product from an out-of-state location directly or indirectly into this state, except as otherwise provided by this title.
- (7) It is unlawful for a person in this state other than a person described in Subsection (4) or (5) to sell, ship, transport, or cause to be sold, shipped, or transported an alcoholic product directly or indirectly to another person in this state, except as otherwise provided by this title.
- (8)
 - (a) A violation of Subsection (1) is a class B misdemeanor, except when otherwise provided by this title.
 - (b) A violation of Subsection (2), (3), (4), or (5) is a third degree felony.
 - (c) A violation of Subsection (6) or (7) is a class B misdemeanor.

Amended by Chapter 266, 2016 General Session

32B-4-402 Unauthorized sale, offer for sale, or furnishing.

A person authorized by this title to sell an alcoholic product and staff of that person may not sell, offer for sale, or furnish, an alcoholic product in any place, or at any day or time other than as authorized by this title or the rules of the commission.

Enacted by Chapter 276, 2010 General Session

32B-4-403 Unlawful sale, offer for sale, or furnishing to minor.

- (1) A person may not sell, offer for sale, or furnish an alcoholic product to a minor.
- (2)
 - (a)

- (i) Except as provided in Subsection (3), a person is guilty of a class B misdemeanor if the person who violates Subsection (1) negligently or recklessly fails to determine whether the recipient of the alcoholic product is a minor.
- (ii) As used in this Subsection (2)(a), "negligently" means with simple negligence.
- (b) Except as provided in Subsection (3), a person is guilty of a class A misdemeanor if the person who violates Subsection (1) knows the recipient of the alcoholic product is a minor.
- (3) This section does not apply to the furnishing of an alcoholic product to a minor in accordance with this title:
 - (a) for medicinal purposes by:
 - (i) the parent or guardian of the minor; or
 - (ii) the health care practitioner of the minor, if the health care practitioner is authorized by law to write a prescription; or
 - (b) as part of a religious organization's religious services.

Enacted by Chapter 276, 2010 General Session

32B-4-404 Unlawful sale, offer for sale, or furnishing to intoxicated person.

- (1) A person may not sell, offer for sale, or furnish an alcoholic product to:
 - (a) a person who is actually or apparently intoxicated; or
 - (b) a person whom the person furnishing the alcoholic product knows or should know from the circumstances is actually or apparently intoxicated.
- (2)
 - (a) A person who negligently or recklessly violates Subsection (1) is guilty of a class B misdemeanor.
 - (b) A person who knowingly violates Subsection (1) is guilty of a class A misdemeanor.
- (3) As used in Subsection (2)(a), "negligently" means with simple negligence.

Enacted by Chapter 276, 2010 General Session

32B-4-405 Unlawful sale, offer for sale, or furnishing to interdicted person.

- (1) A person may not sell, offer for sale, or furnish an alcoholic product to a known interdicted person.
- (2) This section does not apply to the sale, offer for sale, or furnishing of an alcoholic product to an interdicted person:
 - (a) under an order of a health care practitioner who is authorized by law to write a prescription; or
 - (b) administered by a hospital or health care practitioner authorized by law to administer the alcoholic product for medicinal purposes.

Enacted by Chapter 276, 2010 General Session

32B-4-406 Unlawful sale, offer for sale, or furnishing of an alcoholic product.

- (1) Except as provided in Subsection (2):
 - (a) a person may not sell, offer for sale, or furnish beer to the general public in a container that exceeds two liters; and
 - (b) a person may not purchase or possess beer in a container that exceeds two liters.
- (2)
 - (a) A retail licensee may sell, offer for sale, or furnish beer on draft subject to the requirements of Section 32B-5-304.

- (b) A retail licensee may purchase or possess beer in a container that exceeds two liters to be dispensed on draft for consumption subject to the requirements of Section 32B-5-304.
- (c) A beer wholesaler licensee may sell, offer for sale, or furnish beer in a container that exceeds two liters to a retail licensee described in Subsection (2)(a).
- (3) On or after October 1, 2011:
 - (a) A person may not sell, offer for sale, or furnish heavy beer in a container that exceeds two liters.
 - (b) A person may not purchase or possess heavy beer in a container that exceeds two liters.

Amended by Chapter 307, 2011 General Session

Amended by Chapter 334, 2011 General Session

32B-4-407 Unlawful sale, offer for sale, or furnishing during emergency.

During a period of emergency proclaimed by the governor to exist in an area of the state, it is unlawful for a person to sell, offer for sale, or furnish an alcoholic product in that area if the director publicly announces and directs that in that area a person may not sell, offer for sale, or furnish an alcoholic product in that area during the period of emergency.

Enacted by Chapter 276, 2010 General Session

32B-4-408 Unlawful purchase or acceptance.

- (1) It is unlawful for a person or the person's staff to purchase, take, or accept an alcoholic product from another person, except as provided by this title or the rules of the commission adopted under this title.
- (2) An act is unlawful under Subsection (1) if it is taken:
 - (a) directly or indirectly; or
 - (b) upon a pretense or device.

Enacted by Chapter 276, 2010 General Session

32B-4-409 Unlawful purchase, possession, consumption by minor -- Measurable amounts in body.

- (1) Unless specifically authorized by this title, it is unlawful for a minor to:
 - (a) purchase an alcoholic product;
 - (b) attempt to purchase an alcoholic product;
 - (c) solicit another person to purchase an alcoholic product;
 - (d) possess an alcoholic product;
 - (e) consume an alcoholic product; or
 - (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.
- (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic product for a minor for:
 - (a) a minor to misrepresent the minor's age; or
 - (b) any other person to misrepresent the age of a minor.
- (3) It is unlawful for a minor to possess or consume an alcoholic product while riding in a limousine or chartered bus.
- (4)
 - (a) If a minor is found by a court to have violated this section and the violation is the minor's first violation of this section, the court may:

- (i) order the minor to complete a screening as defined in Section 41-6a-501;
 - (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
 - (iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance abuse treatment as indicated by an assessment.
 - (b) If a minor is found by a court to have violated this section and the violation is the minor's second or subsequent violation of this section, the court shall:
 - (i) order the minor to complete a screening as defined in Section 41-6a-501;
 - (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
 - (iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance abuse treatment as indicated by an assessment.
- (5)
- (a) When a minor who is at least 18 years old, but younger than 21 years old, is found by a court to have violated this section, except as provided in Section 32B-4-411, the court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.
 - (b) Notwithstanding the provision in Subsection (5)(a), the court may reduce the suspension period required under Section 53-3-219 if:
 - (i) the violation is the minor's first violation of this section; and
 - (ii)
 - (A) the minor completes an educational series as defined in Section 41-6a-501; or
 - (B) the minor demonstrates substantial progress in substance abuse treatment.
 - (c) Notwithstanding the requirement in Subsection (5)(a) and in accordance with the requirements of Section 53-3-219, the court may reduce the suspension period required under Section 53-3-219 if:
 - (i) the violation is the minor's second or subsequent violation of this section;
 - (ii) the minor has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance abuse treatment; and
 - (iii)
 - (A) the person is 18 years of age or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (5)(a); or
 - (B) the person is under 18 years of age and has the person's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (5)(a).
- (6) When a minor who is at least 13 years old, but younger than 18 years old, is found by the court to have violated this section, Section 78A-6-606 applies to the violation.
- (7) When a court issues an order suspending a person's driving privileges for a violation of this section, the Driver License Division shall suspend the person's license under Section 53-3-219.
- (8) When the Department of Public Safety receives the arrest or conviction record of a person for a driving offense committed while the person's license is suspended pursuant to this section, the Department of Public Safety shall extend the suspension for an additional like period of time.
- (9) This section does not apply to a minor's consumption of an alcoholic product in accordance with this title:
- (a) for medicinal purposes if:
 - (i) the minor is at least 18 years old; or
 - (ii) the alcoholic product is furnished by:

- (A) the parent or guardian of the minor; or
- (B) the minor's health care practitioner, if the health care practitioner is authorized by law to write a prescription; or
- (b) as part of a religious organization's religious services.

Amended by Chapter 165, 2015 General Session

32B-4-410 Unlawful admittance or attempt to gain admittance by minor.

- (1) It is unlawful for a minor to gain admittance or attempt to gain admittance to the premises of:
 - (a) a tavern; or
 - (b) a social club licensee, except to the extent authorized by Section 32B-6-406.1.
- (2) A minor who violates this section is guilty of a class C misdemeanor.
- (3)
 - (a) If a minor is found by a court to have violated this section and the violation is the minor's first violation of this section, the court may:
 - (i) order the minor to complete a screening as defined in Section 41-6a-501;
 - (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
 - (iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance abuse treatment as indicated by an assessment.
 - (b) If a minor is found by a court to have violated this section and the violation is the minor's second or subsequent violation of this section, the court shall:
 - (i) order the minor to complete a screening as defined in Section 41-6a-501;
 - (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and
 - (iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance abuse treatment as indicated by an assessment.
- (4)
 - (a) When a minor who is at least 18 years old, but younger than 21 years old, is found by a court to have violated this section, except as provided in Section 32B-4-411, the court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.
 - (b) Notwithstanding the provision in Subsection (4)(a), the court may reduce the suspension period required under Section 53-3-219 if:
 - (i) the violation is the minor's first violation of this section; and
 - (ii)
 - (A) the minor completes an educational series as defined in Section 41-6a-501; or
 - (B) the minor demonstrates substantial progress in substance abuse treatment.
 - (c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the requirements of Section 53-3-219, the court may reduce the suspension period required under Section 53-3-219 if:
 - (i) the violation is the minor's second or subsequent violation of this section;
 - (ii) the minor has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance abuse treatment; and
 - (iii)
 - (A) the person is 18 years of age or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (4)(a); or

- (B) the person is under 18 years of age and has the person's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (4)(a).
- (5) When a minor who is at least 13 years old, but younger than 18 years old, is found by a court to have violated this section, Section 78A-6-606 applies to the violation.
- (6) When a court issues an order suspending a person's driving privileges for a violation of this section, the Driver License Division shall suspend the person's license under Section 53-3-219.
- (7) When the Department of Public Safety receives the arrest or conviction record of a person for a driving offense committed while the person's license is suspended pursuant to this section, the Department of Public Safety shall extend the suspension for an additional like period of time.

Amended by Chapter 165, 2015 General Session

32B-4-411 Minor's unlawful use of proof of age.

- (1) As used in this section, "proof of age violation" means a violation by a minor of:
 - (a) Chapter 1, Part 4, Proof of Age Act; or
 - (b) if as part of the violation the minor uses a proof of age in violation of Chapter 1, Part 4, Proof of Age Act:
 - (i) Section 32B-4-409; or
 - (ii) Section 32B-4-410.
- (2) If a court finds a minor engaged in a proof of age violation, notwithstanding the penalties provided for in Subsection (1):
 - (a)
 - (i) for a first violation, the minor is guilty of a class B misdemeanor;
 - (ii) for a second violation, the minor is guilty of a class A misdemeanor; and
 - (iii) for a third or subsequent violation, the minor is guilty of a class A misdemeanor, except that the court may impose:
 - (A) a fine of up to \$5,000;
 - (B) screening, assessment, or substance abuse treatment, as defined in Section 41-6a-501;
 - (C) an educational series, as defined in Section 41-6a-501;
 - (D) alcoholic product related community service or compensatory service work program hours;
 - (E) fees for restitution and treatment costs;
 - (F) defensive driver education courses; or
 - (G) a combination of these penalties; and
 - (b)
 - (i) for a minor who is at least 13 years old, but younger than 18 years old:
 - (A) the court shall forward to the Driver License Division a record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under this section; and
 - (B) the provisions regarding suspension of a driver license under Section 78A-6-606 apply; and
 - (ii) for a minor who is at least 18 years old, but younger than 21 years old:
 - (A) the court shall forward to the Driver License Division a record of conviction for a violation under this section; and
 - (B) the Driver License Division shall suspend the person's license under Section 53-3-220.
- (3)

- (a) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the suspension period under Subsection 53-3-220(1)(e) or 78A-6-606(3)(d) if:
 - (i) the violation is the minor's first violation of Section 32B-4-411; and
 - (ii)
 - (A) the minor completes an educational series as defined in Section 41-6a-501; or
 - (B) the minor demonstrates substantial progress in substance abuse treatment.
- (b) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the suspension period under Subsection 53-3-220(1)(e) or 78A-6-606(3)(d) if:
 - (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;
 - (ii) the person has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance abuse treatment; and
 - (iii)
 - (A) the person is 18 years of age or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection 53-3-220(1)(e) or 78A-6-606(3)(d); or
 - (B) the minor is under 18 years of age and has the minor's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the minor has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection 53-3-220(1)(e) or 78A-6-606(3)(d).
- (4) When the Department of Public Safety receives the arrest or conviction record of an individual for a driving offense committed while the individual's license is suspended pursuant to this section, the Department of Public Safety shall extend the suspension for an additional like period of time.
- (5) A court may not fail to enter a judgment of conviction under this section under a plea in abeyance agreement.

Amended by Chapter 165, 2015 General Session

32B-4-412 Unlawful purchase by intoxicated person.

A person may not purchase an alcoholic product if the person is intoxicated.

Enacted by Chapter 276, 2010 General Session

32B-4-413 Unlawful purchase by interdicted person.

A person may not purchase or possess an alcoholic product if that person is an interdicted person, except:

- (1) under an order of a health care practitioner who is authorized by law to write a prescription; or
- (2) when administered by a hospital or health care practitioner authorized by law to administer the alcoholic product for medicinal purposes.

Enacted by Chapter 276, 2010 General Session

32B-4-414 Unlawful possession -- Exceptions.

- (1) A person may not possess liquor within this state unless authorized by this title or the rules of the commission, except that:

- (a) a person who clears United States Customs when entering this country may possess for personal consumption and not for sale or resale, a maximum of two liters of liquor purchased from without the United States;
 - (b) a person who moves the person's residence to this state from outside of this state may possess for personal consumption and not for sale or resale, liquor previously purchased outside the state and brought into this state during the move, if the person:
 - (i) obtains department approval before moving the liquor into the state; and
 - (ii) pays the department a reasonable administrative handling fee as determined by the commission;
 - (c) a person who inherits liquor as a beneficiary of an estate that is located outside the state, may possess the liquor and transport or cause the liquor to be transported into the state if the person:
 - (i) obtains department approval before moving the liquor into the state;
 - (ii) provides sufficient documentation to the department to establish the person's legal right to the liquor as a beneficiary; and
 - (iii) pays the department a reasonable administrative handling fee as determined by the commission; or
 - (d) a person may transport or possess liquor if:
 - (i) the person transports or possesses the liquor:
 - (A) for personal household use and consumption; and
 - (B) not for:
 - (I) sale;
 - (II) resale;
 - (III) gifting to another; or
 - (IV) consumption on premises licensed by the commission;
 - (ii) the liquor is purchased from a store or facility on a military installation; and
 - (iii) the maximum amount the person transports or possesses under this Subsection (1)(d) is:
 - (A) two liters of:
 - (I) spirituous liquor;
 - (II) wine; or
 - (III) a combination of spirituous liquor and wine; and
 - (B)
 - (I) one case of heavy beer that does not exceed 288 ounces; or
 - (II) one case of a flavored malt beverage that does not exceed 288 ounces.
- (2)
- (a) Approval under Subsection (1)(b) may be obtained by a person who:
 - (i) is transferring the person's permanent residence to this state; or
 - (ii) maintains separate residences both in and out of this state.
 - (b) A person may not obtain approval to transfer liquor under Subsection (1)(b) more than one time.

Enacted by Chapter 276, 2010 General Session

32B-4-415 Unlawful bringing onto premises for consumption.

- (1) Except as provided in Subsection (4), a person may not bring an alcoholic product for on-premise consumption onto the premises of:
 - (a) a retail licensee or person required to be licensed under this title as a retail licensee;
 - (b) an establishment that conducts a business similar to a retail licensee;

- (c) an event where an alcoholic product is sold, offered for sale, or furnished under a single event permit or temporary beer event permit issued under this title;
 - (d) an establishment open to the general public; or
 - (e) the capitol hill complex.
- (2) Except as provided in Subsection (4), the following may not allow a person to bring onto its premises an alcoholic product for on-premise consumption or allow consumption of an alcoholic product brought onto its premises in violation of this section:
- (a) a retail licensee or a person required to be licensed under this title as a retail licensee;
 - (b) an establishment that conducts a business similar to a retail licensee;
 - (c) a single event permittee or temporary beer event permittee;
 - (d) an establishment open to the general public;
 - (e) the State Capitol Preservation Board created in Section 63C-9-201; or
 - (f) staff of a person listed in Subsections (2)(a) through (e).
- (3) Except as provided in Subsection (4)(c)(i)(A), a person may not consume an alcoholic product in a limousine or chartered bus if the limousine or chartered bus drops off a passenger at:
- (a) a location from which the passenger departs in a private vehicle; or
 - (b) the capitol hill complex.
- (4)
- (a) A person may bring bottled wine onto the premises of the following and consume the wine pursuant to Section 32B-5-307:
 - (i) a full-service restaurant licensee;
 - (ii) a limited restaurant licensee;
 - (iii) a club licensee; or
 - (iv) a person operating under a resort spa sublicense.
 - (b) A passenger of a limousine may bring onto, possess, and consume an alcoholic product in the limousine if:
 - (i) the travel of the limousine begins and ends at:
 - (A) the residence of the passenger;
 - (B) the hotel of the passenger, if the passenger is a registered guest of the hotel; or
 - (C) the temporary domicile of the passenger;
 - (ii) the driver of the limousine is separated from the passengers by partition or other means approved by the department; and
 - (iii) the limousine is not located on the capitol hill complex.
 - (c) A passenger of a chartered bus may bring onto, possess, and consume an alcoholic product on the chartered bus:
 - (i)
 - (A) but may consume only during travel to a specified destination of the chartered bus and not during travel back to the place where the travel begins; or
 - (B) if the travel of the chartered bus begins and ends at:
 - (I) the residence of the passenger;
 - (II) the hotel of the passenger, if the passenger is a registered guest of the hotel; or
 - (III) the temporary domicile of the passenger;
 - (ii) if the chartered bus has a nondrinking designee other than the driver traveling on the chartered bus to monitor consumption; and
 - (iii) if the chartered bus is not located on the capitol hill complex.
- (5) A person may bring onto any premises, possess, and consume an alcoholic product at a private event.

- (6) Notwithstanding Subsection (5), private and public facilities may prohibit the possession or consumption of alcohol on their premises.
- (7) The restrictions of Subsections (2) and (3) apply to a resort licensee or hotel licensee or person operating under a sublicense in relationship to:
 - (a) the boundary of a resort building or boundary of a hotel in an area that is open to the public; or
 - (b) except as provided in Subsection (4), a sublicense premises.

Amended by Chapter 80, 2016 General Session

Amended by Chapter 245, 2016 General Session

Amended by Chapter 348, 2016 General Session

32B-4-416 Unlawful permitting of consumption by minor.

- (1) A person may not permit a minor to consume an alcoholic product in a chartered bus or limousine of which the person is the owner or operator.
- (2) A violation of Subsection (1) is an infraction.

Enacted by Chapter 276, 2010 General Session

32B-4-417 Unlawful possession by licensee or permittee.

Except as authorized by Section 32B-4-415, other provisions of this title, or the rules of the commission, a licensee or permittee may not possess, store, or allow consumption of liquor on its premises if the liquor is not purchased from:

- (1) the department;
- (2) a state store; or
- (3) a package agency.

Enacted by Chapter 276, 2010 General Session

32B-4-418 Unlawful storage.

It is unlawful for a person to store liquor on premises for which the person is authorized to sell beer for on-premise consumption, but for which the person is not licensed under this title to sell liquor.

Enacted by Chapter 276, 2010 General Session

32B-4-419 Unlawful permitting of intoxication.

- (1) A person may not permit another person to become intoxicated or an intoxicated person to consume an alcoholic product in:
 - (a) premises of which the person is the owner, tenant, or occupant; or
 - (b) a chartered bus or limousine of which the person is the owner or operator.
- (2) A violation of Subsection (1) is a class C misdemeanor.

Enacted by Chapter 276, 2010 General Session

32B-4-420 Unlawful adulteration.

- (1) For purposes of this section, "tamper" means to do one or more of the following to the contents of a container:

- (a) fortify;
 - (b) adulterate;
 - (c) contaminate;
 - (d) dilute;
 - (e) change its character or purity; or
 - (f) otherwise change.
- (2) A person may not, for any purpose, mix or allow to be mixed with an alcoholic product sold or supplied by the person as a beverage any of the following:
- (a) a drug;
 - (b) methylic alcohol;
 - (c) a crude, unrectified, or impure form of ethylic alcohol; or
 - (d) another deleterious substance.
- (3)
- (a) The following may not engage in an act listed in Subsection (3)(b):
 - (i) a package agent;
 - (ii) a retail licensee;
 - (iii) a permittee;
 - (iv) a beer wholesaler licensee;
 - (v) a liquor warehouser licensee;
 - (vi) a supplier; or
 - (vii) an importer.
 - (b) A person listed in Subsection (3)(a) may not:
 - (i) tamper with the contents of a container of alcoholic product as originally marketed by a manufacturer;
 - (ii) refill or partly refill with any substance the contents of an original container of alcoholic product as originally marketed by a manufacturer;
 - (iii) misrepresent the brand of an alcoholic product sold or offered for sale; or
 - (iv) sell or furnish a brand of alcoholic product that is not the same as that ordered by a purchaser without first advising the purchaser of the difference.

Amended by Chapter 307, 2011 General Session

Amended by Chapter 334, 2011 General Session

32B-4-421 Unlawful consumption in public place.

- (1) A person may not consume liquor in a public building, park, or stadium, except as provided by this title.
- (2) A violation of this section is a class C misdemeanor.

Enacted by Chapter 276, 2010 General Session

32B-4-422 Unlawful dispensing.

- (1) For purposes of this section:
 - (a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
 - (b) "Primary spirituous liquor" does not include a secondary alcoholic product used as a flavoring in conjunction with the primary distilled spirit in a beverage.
- (2) A retail licensee licensed under this title to sell, offer for sale, or furnish spirituous liquor for consumption on the licensed premises, or staff of the retail licensee may not:

- (a) sell, offer for sale, or furnish a primary spirituous liquor to a person on the licensed premises except in a quantity that does not exceed 1.5 ounces per beverage dispensed through a calibrated metered dispensing system approved by the department;
 - (b) sell, offer for sale, or furnish more than a total of 2.5 ounces of spirituous liquor per beverage;
 - (c) allow a person on the licensed premises to have more than a total of 2.5 ounces of spirituous liquor at a time; or
 - (d)
 - (i) except as provided in Subsection (2)(d)(ii), allow a person to have more than two spirituous liquor beverages at a time; or
 - (ii) allow a person on the premises of the following to have more than one spirituous liquor beverage at a time:
 - (A) a full-service restaurant licensee;
 - (B) a person operating under a full-service restaurant sublicense;
 - (C) an on-premise banquet licensee;
 - (D) a person operating under an on-premise banquet sublicense; or
 - (E) a single event permittee.
- (3) A violation of this section is a class C misdemeanor.

Amended by Chapter 307, 2011 General Session

32B-4-423 Immunity regarding alcohol consumption offenses when seeking emergency aid for another person.

- (1) A law enforcement officer may not cite or arrest a person solely because of a person's violation of a provision under Subsection (2) if the officer came into contact with the person because:
 - (a) the person had requested or acted in concert with another person to request emergency medical assistance for a third party who reasonably appeared to be in need of medical care due to the consumption of alcohol;
 - (b) the officer was responding to the request for emergency medical assistance;
 - (c) the person provided to the officer the person's name and identifying information as requested by the officer;
 - (d) the person remained at the location where the third party was located until emergency medical response personnel arrived at the location; and
 - (e) the person cooperated with the emergency medical assistance personnel and law enforcement officers at the location.
- (2) Offenses referred to in Subsection (1) are violations of:
 - (a) Section 32B-4-403 regarding the unlawful sale, offer for sale, or furnishing of alcohol to a minor;
 - (b) Subsection 32B-4-409(1) regarding the unlawful purchase, possession, or consumption of alcohol by a minor; and
 - (c) Subsection 76-9-701(1) regarding intoxication when the offense involves consumption of alcohol.
- (3) An officer who declines to cite or arrest a person while acting in good faith under Subsection (1) is not civilly liable.

Enacted by Chapter 169, 2013 General Session

32B-4-424 Powdered alcohol.

- (1) As used in this section, "powdered alcohol" means a product that is in a powdered or crystalline form and contains any amount of alcohol.
- (2) It is unlawful for a person to use, offer for use, purchase, offer to purchase, sell, offer to sell, furnish, or possess powdered alcohol for human consumption.
- (3) It is unlawful for a holder of a retail license to use powdered alcohol as an alcoholic product.
- (4) This section does not apply to the use of powdered alcohol for a commercial use specifically approved by state law or bona fide research purposes by a:
 - (a) health care practitioner that operates primarily for the purpose of conducting scientific research;
 - (b) department, commission, board, council, agency, institution, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state, including a state institution of higher education listed in Section 53B-2-101;
 - (c) private college or university research facility; or
 - (d) pharmaceutical or biotechnology company.

Enacted by Chapter 54, 2015 General Session